IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

MOVSOVITZ & SONS OF FLORIDA, INC. et al., :

Plaintiffs

: Civil Action No: 04-2254 (SEC)

SCOTIABANK

v.

Defendant

AFFIDAVIT IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT SCOTIABANK

Ben Foss, being duly sworn, deposes and says:

- 1. I am the Accounting Manager of West Coast Distributing, Inc. ("West Coast"), and make this Affidavit in support of Plaintiffs' Motion for Summary Judgment against Defendant Scotiabank.
- 2. I am personally familiar with all matters which are the subject of this proceeding and the facts set forth in this affidavit are within my personal knowledge. If called upon as a witness, I could and would competently testify to all facts stated in this affidavit.
- 3. West Coast is a company located in Malden, Massachusetts, which sells wholesale quantities of perishable agricultural commodities ("produce").
- 4. The sales and accounts receivable records of West Coast, including invoices and account statements, are made in the ordinary course of business and are made at or near the time of the occurrence of the event of which they are a record. These business records are made under my direction and supervision by employees whose duty it is to prepare such documents.
- 5. My responsibilities also include supervising collection of the accounts receivable for such sales, including Axel Gonzalez Inc. d/b/a North Produce's ("North Produce") account

which is the subject of the present motion. I have custody and control of the sales and accounts receivable records of West Coast as they relate to North Produce and I am thoroughly familiar with the manner in which those records are compiled.

- 6. Between January 2, 2002 and February 19, 2002, West Coast sold and delivered to North Produce, in interstate commerce, various wholesale lots of produce worth \$120,588.80, which remains unpaid. *See* Statement of Account and Invoices attached hereto as Exhibit 1.
 - 7. North Produce accepted the produce received from West Coast.
- 8. West Coast preserved its interest in the PACA trust in the unpaid amount of \$120,588.80 by including the required trust language set for in the Perishable Agricultural Commodities Act, 7 U.S.C. § 499e(c)(4). See Exhibit 1.
 - 9. West Coast is presently owed \$120,588.80.

I do solemnly declare under the penalties of perjury that the foregoing statements are true and correct to the best of my knowledge, information and belief.

WEST COAST DISTRIBUTING, INC.

See attacked Subscribed and sworn to before me this	day of November, 2005.	
	Notary Public	
My Commission Expires:		

MASSACHUSETTS JURAT		Gov. Exec. Ord. #455 (03-13), §5(e)
Commonwealth of Massachusetts County of	} ss.	,
On this the day of	November	. 2005, before me,
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JENIFER M. MASCARO Notary Public Commonwealth of Massachusetts My Commission Expires Nov 13, 2009 Lubosed Hara Locument	in my preme that truthful a knowledg	the preceding or attached document esence, and who swore or affirmed to the contents of the document are nd accurate to the best of his/her/their ge and belief. Signature of Notary Public Printed Name of Notary
Place Notary Seal and/or Any Stam	p Above My Commiss	sion Expires
Although the information in this section is not relying on the document and could prevent fratanother document. Description of Attached Document	equired by law, it may prove voudulent removal and reattachm	aluable to persons sent of this form to Right Thumbprint of Signer Top of thumb here
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Title or Type of Document:		
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Signer(s) Other Than Named Above:		

Exhibit 1

STATEMENT

Statement Date: Feb 14, 2003

Customer #: 1069

NORTH PRODUCE P.O. BOX 1202 ARECIBO PUERTO RICO 00613

Ship Date	Invoice #	PO#	Invoice Amt	Receipt Date	Received	Balance
Jan 02, 2002	M21000		17,932.00		.00	17,932.00
Jan 08, 2002	M21013		13,526.75		.00	13,526.75
Jan 08, 2002	M21013A		2,600.00		.00	2,600.00
Jan 22, 2002	M21164		10,299.30		.00	10,299.30
Jan 24, 2002	M21194		1,748.00		.00	1,748.00
Jan 29, 2002	M21198		11,862.75		.00	11,862.75
Jan 29, 2002	M21198A		2,600.00		.00	2,600.00
Feb 01, 2002	M21272		10,684.00		.00	10,684.00
Feb 13, 2002	M21178		20,419.00		.00	20,419.00
Feb 13, 2002	M21178A		1,800.00		.00	1,800.00
Feb 19, 2002	M21184		24,317.00		.00	24,317.00
Feb 19, 2002	M21184A		2,800.00		.00	2,800.00
					Total Due:	120,588.80

Aging Days:	0 - 27	28 - 35 36 - 45		46 - 60	61 - 9999	Credits	Total Due
	.00	.00	.00	.00	120,588.80	.00	120,588.80

Case 3:04-cv-02254-SE West Count Bit 12 Tilled 11/07/05 Page 6 of 29 P.O. BOX 84-5262 BOSTON MA 02284-5262

INVOICE

Invoice #: M21000

Invoice: Jan 02, 2002 **Ship:** Jan 02, 2002

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms:F.O.B. + FREIGHTSalesperson:TOM CSEREPCarrier:BRITTAIN TRUCKING INCOrder:Jan 02, 2002Via:Trailer lic:St:Cust PO:Currency:USDBroker:

Description	Quantity	UOM	Price	Amount
LETTUCE 24's LINER	520	ctn	21.00	10,920.00
LETTUCE ROMAINE 24'S .	105	ctn	13.25	1,391.25
BROCOLLI 14'S .	48	ctn	15.00	720.00
BROCOLLI CROWNS .	48	ctn	16.50	792.00
CAULIFLOWER 16'S .	56	ctn	16.50	924.00
LETTUCE ROMAINE 12/3# HEARTS	20	ctn	13.25	265.00
LETTUCE GREEN LEAF 24'S .	15	ctn	9.25	138.75
ONIONS GREEN N/A.	15	ctn	10.50	157.50
Temp Recorder	1		23.50	23.50
Freight Charge	1		2,600.00	2,600.00
INVOICE TOTAL:	827		_	17,932.00

ATTN: AXEL

Please return a copy of this invoice with your remittance - Thank You

Case 3:04-cv-02254-SEC Document 28-41 ESILE OF LADING FOR EXEMPT COMMODITIES ILE OF L

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CONTRACT ARE ALL EFFECTS RELATED TO FREEZE DAMAGE.

FOLLOWING BRUISING. IN ADDITION, ALSO EXCLUDED FROM THIS

4282423 RECORDER #

ORDERED 48

DESCRIPTION 22714000 22020000

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MALDEN

WEST COAST DIST., BILL TO NAME/ADDRESS

SHIP VIA BRITTAIN T60854

CUST PO M2-1000

BROKER Ξ

JACKSONVILLE

SHIP TO NAME/ADDRESS
WEST COAST DIST., INC.

SHIPPED FROM HIGHLINE COOLING

ARRIVED 01/02/02 01:55

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INSPECTION

PHYTO #

SALESPERSON: VBAL

DATE SHIPPED 01/02/02

1/02/02 01:56 P

SHIPPED 01/02/02 03:12 P

OTHER SHIP LOCATIONS
0055

Sinperia, County Agriculty of

Lot Inspection - I.D. No. 21

originated from Imperial County in this shipment Based upon inspection or original produce that Stephen L. Birdshall - Commissioner is free from Pink Hibiscus Mealybug

SHIPPED 48

105

LOADING PULP TEMP AT TIME OF

Driver's Initials Loader's Initials

Pink & Ripe Tomatoes, Corn, Cauliflower identified on this of Title 3, Group 4, California Administrative Bill of Lading was inspected and meets the requirements Cabbaga, Lettuca, All Melons, Onions, Salad Products, The following commodities: Asparagus, Broccoli, LOT INSPECTION - I.D. NO 18

LOADED BY: VERIFY PALLETS REC'D: BLUE PALLETS: MAINTAIN TEMPERATURE OF COMMODITIES LOADED: PRINT DRIVER'S NAME: 34 - 36 DEGREES

PALLETS USED:

EXCLUDING BRUISING AND/OR DISCOLORATION FOLLOWING BRUISING

NO GRADE CONTRACT.

GOOD DELIVERY STANDARDS APPLY

ALL SALES F.O.B.

VERIFY COUNT BEFORE YOU SIGN, YOU ARE RESPONSIBLE FOR ALL SHORTAGES

RACKS USED:

STEPHEN L. BIRDSALL, COMMISSIONER

Case 3:04-cv-02254-SEWest Countries of 29 P.O. BOX 84-5262 BOSTON MA 02284-5262

INVOICE

Invoice #: M21013 Invoice: Jan 08, 2002 Ship: Jan 08, 2002

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms: F.O.B.

Salesperson: TOM CSEREP
Carrier: BRITTAIN TRUCKING INC

Order: Jan 08, 2002
Via:
Cust PO:

Currency: USD
Broker:

Description	Quantity	UOM	Price	Amount
LETTUCE 24's LINER	520	ctn	19.75	10,270.00
BROCOLLI CROWNS .	48	ctn	12.50	600.00
BROCOLLI 14'S .	48	ctn	10.25	492.00
CAULIFLOWER 16'S .	20	ctn	9.25	185.00
CELERY SLEEVED 36'S .	20	ctn	9.50	190.00
LETTUCE ROMAINE 24'S LINER	70	ctn	12.75	892.50
LETTUCE ROMAINE 12/3# HEARTS	15	ctn	13.50	202.50
LETTUCE GREEN LEAF 24'S LINER	15	ctn	9.25	138.75
NAPPA	20	ctn	13.50	270.00
ONIONS GREEN 48'S .	30	ctn	8.75	262.50
Temp Recorder	1		23.50	23.50
INVOICE TOTAL:	806			13,526.75

ATTN: AXEL

*** REVISED INVOICE ***

Please return a copy of this invoice with your remittance - Thank You

Case 3:04-cv-02254-SEQveRocast @istributing. Fined 11/07/05 Page 10 of 29 P.O. BOX 84-5262 BOSTON MA 02284-5262

INVOICE

Invoice #: M21013A Invoice: Jan 08, 2002 Jan 08, 2002 Ship:

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms: FREIGHT

Salesperson: RANDY SCHRABEC

Carrier: BRITTAIN TRUCKING INC

Order: Jan 08, 2002

Via:

Trailer lic:

St:

Price

2,600.00

Cust PO:

Currency: USD

Broker:

Amount 2,600.00

Freight Charge **INVOICE TOTAL:** Quantity UOM

FREIGHT - MIX VEG

Description

2,600.00

Please return a copy of this invoice with your remittance - Thank You

1. WHITE-SHIPPER COPY 2. YELLOW-CARRIER COPY 3. PINK-CONSIGNEE COPY 4. GOLDENROD-COOLER COPY

MOTOR CARRIER .

FRESH KIST PRODUCE, LLC

FOR EXEMPT COMMODITIES
Original Non-negotiable

CONTRACT TERMS AND CONDITIONS ARE PRINTED ON THE REVERSE SIDE

1/08/02

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00000 IAL INAS CA SHIP VIA IDVANCED COOLING SYSTEMS CARRIER BRITTIAN WEST_COAST DISTRIB INC CONSIGNEE TRAILER P020623 'UMA AZ 00000 LA JAĆKSONVILLE. FL 15:52 TRACTOR LOADING STARTED 16:54 **WEIGHT LIMIT** PO # LOADING COMPLETED 37502 **BROKER** ORDER # **CONSIGNEE'S RECEIPT** ATTENTION DRIVER: DRIVER ACCEPTS AND AGREES WITH THE COUNT OF PACKAGES RECEIVED PERISHABLE PROPERTY DESCRIBED BELOW IN GOOD ORDER, EXCEPT AS NOTED: AS SHOWN ON THIS BILL OF LADING. NO CORRECTION FOR SHORTAGE WILL BE ALLOWED ON ARRIVAL AT DESTINATION. REFRIGERATION: Maintain temp. range - Low 34°F/High 36°F SIGNED: SPECIAL INSTRUCTIONS: FRESH FRUIT AND VEGETABLE LOAD # I.D. #31 This is to certify that the contents of this load meets the requirements of the Arizona Fruit & Vegetable Standardization as determined by a representative sample. DON H. KNAACK, SUPERVISOR OF INSPECTION COMMISSION OF AGRICULTURE & HORTICULTURE ARIZONA FRUIT & VEGETABLE STANDARDIZATION **DRIVER SIGN:** 520 LETTUCE PALLET LINERS &4'S FRESH KIST 520 TOTAL UNITS SHIPPED RECECIVED FOR CROSS DOCKING NOTICE MOVSOVITZ OF FLORIDA This Shipment is Freight Collect RECEIVED SUBJECT TO USDA INSPECTION If the carrier named herein, or its agent, delivers this shipment to the consignee, or its agent, UNLOADING FEE without payment of freight or other lawful charges the **EXCEPTIONS** carrier, or its agent, does so without recourse to the shipper,

> TO.AL BY ____ DRIVER

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RECECIVED FOR CROSS DOCKING

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HOLTVILLE, CA 92250 HIGHLINE COOLING 444 MAPLE AVENUE

ORDER NUMBER 237502 OTHER SHIP LOCATIONS SHIPPED 01/08/02 12:27 0041 ₹ BILL TO NAME/ADDRESS WEST COAST DIST., INC. LOADED 01/08/02 11:02 A P020623 SHIP VIA BRITTAIN PHYTO # LADING MALDEN P 0F BILL PAGE ARRIVED 01/08/02 11:01 A INSPECTION # BROKER SHIP TO NAME/ADDRESS WEST COAST DIST., SALESPERSON: VBAL HIGHLINE COOLING DATE SHIPPED 01/08/02 **JACKSONVILLE** SHIPPED FROM RECORDER # CUST PO M2-1013 4238776

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CONTRACT ARE ALL BFFECTS RELATED TO FREEZE DAMAGE.

WEST COST DIST C/O NORTH PRODUCE ALL SALES FOB NO GRADE CONTRACT WITH GOOD DELIVERY

ALL SALES

COMMENTS:

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GOOD DELIVERY STANDARDS APPLY EXCLUDING BRUISING AND/OR DISCOLORATION FOLLOWING BRUISING NO GRADE CONTRACT. ALL SALES F.O.B.

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VERIFY	

LOADED BY:

MAINTAIN TEMPERATURE OF COMMODITIES LOADED:

DRIVER'S SIGNATURE:

Case 3:04-cv-02254-SECwespenses 28 11/07/05 Page 13 of 29 P.O. BOX 84-5262 BOSTON MA 02284-5262

INVOICE

Invoice #: M21164 Invoice: Jan 22, 2002

Ship: Jan 22, 2002

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms:F.O.B. + FREIGHTSalesperson: TOM CSEREPCarrier: FEDERATED FREIGHTOrder:Jan 22, 2002Via:Trailer lic:St:Cust PO:Currency: USDBroker:

Description	Quantity	UOM	Price	Amount
BROCCOLI 14'S	48	ctn	17.50	840.00
BROCCOLI CROWNS	48	ctn	20.85	1,000.80
LETTUCE 24's LINER	600	ctn	9.25	5,550.00
LETTUCE 24's WRAP	40	ctn	10.25	410.00
SPINACH CELLO 12 X 10	10	ctn	12.50	125.00
LETTUCE ROMAINE 24'S LINER	70	ctn	8.75	612.50
LETTUCE GREEN LEAF 24'S	5	ctn	7.50	37.50
Temp Recorder	1		23.50	23.50
Freight Charge	1		1,700.00	1,700.00
INVOICE TOTAL:	821		•	10,299.30
ATTN: AXEL				

Please return a copy of this invoice with your remittance - Thank You

Case 3:04-cv-02254-SEC Document 28-4 Filed 11/07/05 Page 14 of 29 STRAIGHT BILL OF LADING FOR EXEMPT COMMODITIES - ORIGINAL NON-NEGOTIABLE

SUN AMERICA P.O. BOX 3710 SALINAS, CA 93912-3932 RECEIVED, from shipper named herein, the perishable property described below, in apparent good order and condition, except as noted below (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated below, pursuant to an agreement, arranged by truck broker, if any, whereby the carrier shown below (the word carrier being understood throughout this contract as meaning any person or corporation in possesion of the property under the contract), in consideration of the transportation charges to be paid, agrees to carry to its usual place of delivery at said destination, if on its route, or otherwise to deliver to another carrier on the route, said property to the consignee, subject to the terms and conditions of this contract printed or written on the face and back

	NAS, CA 93912-	3932	property hereof, v	to the consignee, subject to which are hereby agreed to	o the terms and conditions of thi by the carrier, the shipper, and	is contract printed the truck broker, if	or written on the face a any.	and back
(831 Order No) 422-3894 umber	Consignee	· · · · · · · · · · · · · · · · · ·	· (Bill of Lading N	lo.	
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Custome	er P.O. #	Destination			<u> </u>	Ship from		
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Phone	plant.			•	e.	Terms		
	(781) 665 - 0300	HOUST	TON TX			FC	IB .	
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		1.65			3 3 5 F. J			
Billing Ir	nstructions			Carrier arra	anged for by:	Charges paid	by:	
							4	
	i i			Shipper	Receiver	Shipper	Receiver	
	nt is to be delivered to consignee with shipper shall sign the following: Carrie		nsignee's Receipt I have re		property in good order, except a	s noted:		
	without payment of freight and all other		**	#	3 8ate 0344			
Shipper	Signature:		Signed	التي التي التي التي التي التي التي التي	2 08ate 0 7	Time	AM	I PM
Data	Donollation II	OL.	ipper's Signature: I heret	ov certify that faint my assi	ignees are familiar with and	Time In	AM	PM
unver's	Receipt: I have received above de shipping condition, have	verified the count, and	accep	all the terms and condition	ns of this bill of lading:		21:20	
	am satisfied that said sh properly braced:			e	. .	Time Out		PM
Signed			Signed		Date		00:10	

Case 3:04-cv-02254-SEC	Document 28-4	Filed 11/07/05	Page 15 of 29	
STRAIGHT BILL OF LADING FOR	EXEMPT COMMO	DITIES - ORIGINA	AL NON-NEGOT	"IABĽE ()()
			agent processing and the second	

SUM AMERICA P.O. BOX 3710 SALINAS, CA 93912-3932 RECEIVED, from shipper named herein, the perishable property described below, in apparent good order and condition, except as noted below (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated below, pursuant to an agreement, arranged by truck broker, if any, whereby the carrier shown below (the word carrier being understood throughout this contract as meaning any person or corporation in possesion of the property under the contract), in consideration of the transportation charges to be paid, agrees to carry to its usual place of delivery at said destination, if on its route, or dherwise to deliver to another carrier on the route, said property to the consignee, subject to the terms and conditions of this contract printed or written on the face and back hereof, which are hereby agreed to by the carrier, the shipper, and the truck broker, if any.

Order Number	Consignee		Dill at La	ading No.
•	*		DIII OI LE	_
34719 Salesman		DISTRIBUTING INC	Ship Da	34719
RALPH GA	350 MAIN S MALDEN MA	02148-5 0 23	Ship Da	
Customer P.O. #	Destination Page 1911	werven and a	Ship from	1/22/2002
M2-1164		DISTRIBUTING INC	Criip noi	
Phone	will inthesis	EXECUTATION LAND. THE	Terms	YUMA, AZ
(781)665-0300	HOUSTON TX	ł	100	FOB
Via:	Carrier	Truck Broker		1 (2)(2)
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Ship Rail	Driver	*REIGHT License	St.	Exp. Date
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ing Mort is No common to the common of		Rec'd, by	70/0/1	
	temperatures of commodities loade	ed approximately 36°. Maintain 33° to 3	34° enroute to destination	<u> </u>
Inspection Reco	order No. Chart No.	Temperature Instruc	ctions	
Loading Instructions				
Delivery Instructions				
Bull				
Billing Instructions		Carrier arranged for	by: Charges	s paid by:
		Shinnor	Boschier Chinne	Donahuan
If shipment is to be delivered to consignee with	tout recourse to Consistence's Roy	Shipper ceipt I have received above perishable property in	Receiver Shippe	r Receiver
shipper, shipper shall sign the following: Carrie	er shall not make	Supramentation above penshabie property in	Anno ningi' aynabi ge uoled;	•
delivery without payment of freight and all othe	r lawful charges.			
Shipper Signature:	Signed	Da	ate Time	AM PM
Driver's Receipt: I have received above de	escribed property in good Shipper's Signat	ure: I hereby certify that I and my assignees are	familiar with and Time	
shipping condition, have am satisfied that said shi	verified the count, and	accept all the terms and conditions of this bi		06:47
am satisfied that said shi		e de la companya de	Time	Out AM PM
\$ighed / ()	Signed	Da	ate	09:04

Case 3:04-cv-02254-SECwest Coast Distributing, Filed 11/07/05 Page 16 of 29 P.O. BOX 84-5262 BOSTON MA 02284-5262

INVOICE

Invoice #: M21194 Invoice: Jan 24, 2002

Ship: Jan 24, 2002

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms: F.O.B.

)2 Via:

Description

Salesperson: TOM CSEREP

Carrier: SHIPPER'S

Trailer lic:

St:

Order: Jan 24, 2002 Cust PO:

INVOICE TOTAL:

Currency: USD

Broker:

 Quantity
 UOM
 Price
 Amount

 80
 ctn
 21.85
 1,748.00

 80
 1,748.00

ATTN: AXEL

GARLIC

Please return a copy of this invoice with your remittance - Thank You

Case 3:04-cv-02254-SEWest Coast Distributing, Fided 11/07/05 Page 17 of 29 P.O. BOX 84-5262 **BOSTON MA 02284-5262**

INVOICE

Invoice #: M21198 Invoice: Jan 29, 2002 Jan 29, 2002 Ship:

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Amount

1.344.00

Sale Terms: F.O.B.

Salesperson: TOM CSEREP

Carrier: BRITTAIN

801

Order: Jan 29, 2002

Cust PO:

Via:

Trailer lic: **Currency: USD**

Broker:

St:

28.00

Price Quantity UOM **Description** 48 ctn BROCCOLI 14'S . 48 ctn BROCCOLI CROWNS 20# . 70 ctn

30.00 1,440.00 1,137.50 16.25 LETTUCE ROMAINE 24'S . 13.50 135.00 10 ctn SPINACH CELLO 12 X 10 . 922.50 30.75 30 ctn CAULIFLOWER 16'S . 13.25 66.25 5 ctn LETTUCE GREEN LEAF 24'S . 10 ctn 11.75 117.50 LETTUCE ROMAINE 12/3# . 520 ctn 11.50 5,980.00 LETTUCE 24's LINER 20 ctn 10.50 210.00 NAPPA WGA 12.75 510.00 40 ctn LETTUCE 24's WRAP 11.862.75

ATTN: AXEL

INVOICE TOTAL:

Please return a copy of this invoice with your remittance - Thank You

Case 3:04-cv-02254-SEWest Columbistributing, Frided 11/07/05 Page 18 of 29 P.O. BOX 84-5262 **BOSTON MA 02284-5262**

INVOICE

Invoice #: M21198A Invoice: Jan 29, 2002 Jan 29, 2002 Ship:

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202 ARECIBO PUERTO RICO 00613 Ship To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms: FREIGHT

Salesperson: RANDY SCHRABEC

Carrier: BRITTAIN

Order: Jan 29, 2002

Via:

Description

Trailer lic:

St:

Price

Cust PO:

Currency: USD

Broker:

Quantity UOM

Amount

Freight Charge **INVOICE TOTAL:**

FREIGHT - LETTUCE

2,600.00 2,600.00 2,600.00

Please return a copy of this invoice with your remittance - Thank You

1. WHITE-SHIPPER COPY 2. YELLOW-CARRIER COPY 3. PINK-CONSIGNEE COPY 4. GOLDENROD-COOLER COPY

MOTOR CARRIER

CONTRACT TERMS AND CONDITIONS ARE PRINTED ON THE REVERSE SIDE

or its agent.

FOR EXEMPT COMMODITIES RESH KIST PRODUCE, LLC Original Non-negotiable 1/30/02 **ALINAS** MAMAMA CA SHIP FROM SHIP VIA SHIP TO DVANCED COOLING SYSTEMS CARRIER BRITTAIN CONSIGNEE WEST COAST DIST INC TRACTOR TIE170 JMA AZ STARTED 00000 FI. JACKSONVILLE, FL 8:25 LOADING COMPLETED **WEIGHT LIMIT** PO# 9:40 M21198 **ORDER# BROKER** 38904 ATTENTION DRIVER: CONSIGNEE'S RECEIPT DRIVER ACCEPTS AND AGREES WITH THE COUNT OF PACKAGES RECEIVED PERISHABLE PROPERTY DESCRIBED AS SHOWN ON THIS BILL OF LADING. NO CORRECTION FOR BELOW IN GOOD ORDER, EXCEPT AS NOTED: SHORTAGE WILL BE ALLOWED ON ARRIVAL AT DESTINATION. REFRIGERATION: Maintain temp. range - Low 34°F/High 36°F SIGNED: DATE: SPECIAL INSTRUCTIONS: PRESH FRUIT AND VEGETABLE I.D. #31 This sto partry that the contents of this load meets the requirements mis of the Arizona Fruit & Vegetable Standardization as determined by a representative sample. DON H. KNAACK, SUPERVISOR OF INSPECTION COMMISSION OF AGRICULTURE & HORTICULTURE ARIZONA FRUIT & VEGETABLE STANDARDIZATION **DRIVER SIGN:** DESCRIPTION LETTUCE CELLO 24'S FRESH KIST 520 LETTUCE PALLET LINERS 24'S FRESH KIST 560 TOTAL UNITS SHIPPED NOTICE MOVSOVITZ OF FLORIDA This Shipment is Freight Collect RECEIVED SUBJECT TO **USDA INSPECTION** If the carrier named herein, or RECECIVED FOR CROSS DOCKING its agent, delivers this shipment to the consignee, or its agent, UNLOADING FEE \$ without payment of freight or other lawful charges the EXCEPTIONS carrier, or its agent, does so without recourse to the shipper.

ORDERED 48

DESCRIPTION 22020000 BI

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BROCCOLI 14 BROCCOLI CRN 20#

FRESH KIST PSAL

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ROMAINE 24 LINER FRESH KIST ROMAINE HEARTS 12X3 FRESH I

FRESH KIST

LEAF GREEN 24 LINER FRESH KIST

FRESH KIST

CAULIFLOWER 16 FRESH KIST

CELERY 36 SLEEVE FRESH KIST

75565001

NAPA WGA

HOLTVILLE, CA 92250 444 MAPLE AVENUE HIGHLINE COOLING

RECECIVED FOR CROSS DOCKING

ORDER NUMBER 238904

UNLOADING FEE 3

EXCEPTIONS

1-02 p.o. # E000

MOSOVITZ OF FLORIDA RECEIVED SUBJECT TO HOLLTHANK VOSE

BILL OF LADING

WEST COAST DIST., INC. MALDEN BILL TO NAME/ADDRESS

₹

SHIP VIA BRITTAIN

CUST PO M2-1198

BROKER Ξ

HIGHLINE COOLING SHIPPED FROM SALESPERSON: VBAL

RECORDER #

JACKSONVILLE

SHIP TO NAME/ADDRESS
WEST COAST DIST., INC.

DATE SHIPPED 01/30/02

T1217Q

LOADED 01/29/02 11:09 שי

ARRIVED 01/29/02 08:48

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INSPECTION #

OLLAH

OTHER SHIP LOCATIONS

01/30/02 12:22 A

ALL SALES FOB NO GRADE CONTRACT WITH GOOD DELIVERY STANDARDS APPLYING EXCLUDING BRUISING AND/OR DISCOLORATION FOLLOWING BRUISING. IN ADDITION, ALSO EXCLUDED FROM THIS CONTRACT ARE ALL EFFECTS RELATED TO FREEZE DAMAGE.

SHIPPED 48 10 70

> RAPERIAL COOM IY AGBIGUITGAL COMMISSIONER LOT INSPECTION J.D. NO 18

of 1900 3 December of California Values Caraman Caram all of Lading we inspecial and meets the educationals Pluk & Ripo Tenather, Corn, Carliffewor debrief up dup Cabbage, Lettinge, All Millors, Origins, Salad Trockiests, following commodities: Asparagus Broccole

1986年の日本の一次の日本の大変をからなるより

ALL SALES F.O.B. NO GRADE CONTRACT. GOOD DELIVERY STANDARDS APPLY

VERIFY COUNT BEFORE YOU SIGN, YOU ARE RESPONSIBLE FOR ALL SHORTAGES

RACKS USED:

PRINT DRIVER'S NAME:

Diversion in the Loador's Initia COADING

OF COMMODITIES LOADED: 34 DRIVER'S SIGNATURE:

VERIFY PALLETS REC'D:

CHEP BLUE PALLETS: USED:

PALLETS

LOADED BY:

MAINTAIN TEMPERATURE

Case 3:04-cv-02254-SE West Count Distributing, Filed 11/07/05 Page 21 of 29 P.O. BOX 84-5262 **BOSTON MA 02284-5262**

INVOICE

Invoice #: M21272 Invoice: Feb 01, 2002 Feb 01, 2002 Ship:

St:

Pay Terms: N10

Sold To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Carrier: SHIPPER'S CHOICE TRANSPORT Sale Terms: F.O.B. + FREIGHT Salesperson: TOM CSEREP

Trailer lic: Order: Feb 01, 2002 Via: **Currency: USD** Cust PO:

Broker:

Quantity UOM **Price Amount** Description 620 ctn 10.60 6,572.00 LETTUCE LINER 105 ctn 1.732.50 16.50 LETTUCE ROMAINE 24'S . 56 ctn CAULIFLOWER 16'S . 13.50 756.00 23.50 23.50 1 Temp Recorder 1 1,600.00 1,600.00 Freight Charge 781 10,684.00 INVOICE TOTAL:

ATTN: AXEL

Please return a copy of this invoice with your remittance - Thank You

Case 3:04-cv-02254-SEC Document 28-4 Filed 11/07/05 Page 22 of 29 STRAIGHT BILL OF LADING FOR EXEMPT COMMODITIES - ORIGINAL NON-NEGOTIABLE

UN AMERICA P.O. BOX 3710 SALINAS, CA 93912-3932 (831)422-3894	condition destinated below of the condition of the condit	on, except as noted below (contents and condition of as indicated below, pursuant to an agreement, (the word carrier being understood throughout this property under the contract), in consideration of the contract of the contract of the consigner, as being destination, if on its route by to the consigner, subject to the terms and concurred the contract of the consigner, subject to the terms and concurred the contract of the consigner.	n of contents of packages unknow, arranged by truck broker, if any, is s contract as meaning any person se transportation charges to be pai or otherwise to deliver to another ditions of this contract pointed or wi apper, and the track broker. If any,	n), marked, consigned, ar rhereby the carrier shown or corporation in possesso d, agrees to carry to its carrier on the route, said
Order Number Consider States S	WEST COAST DIST 330 MAIN ST MALDEN MA 0214	RIBUTING INCT		35093 */04/2002
M2-1272 Phone (781) 665-0300	WEST COAST DIST	RIBUTING; INC	Ship from Υ΄ΔΙ'Μ/ Terms FOB	ì, AZ
Via: Carrie Truck Piggy		Truck Broker		
Ship Rail Driver Air	STOREY ROGER	License Trailer License	/ St. Exp. D	Oate Sigle
Reporting Instructions			MØ56Ø7	AL
Aeporting instructions				
620 105	ROMÀINE REGULA	SunAmerica 24'8 R SunAmerica 24'8 RTON SunAmerica 12	4	7900 /105 1846
a ta	agairt ann an Aireannach a Aireannach ann an Aireannach			
		P & O COL Case Count	D LUGISTIC	'
		Date $2/5$	102	
		Pallets in 20	Pallets out	
		Rec'd. by	THOUL	
Probed temperat	ures of commodities loaded approxi	mately 36°. Maintain 33° to 34° enro	ute to destination.	
Inspection Recorder Mo.	Charl No.	Temperature Instructions		
Loading Instructions	532582			
Delivery Instructions				
			Charges noted by	
Billing Instructions		Carrier arranged for by:	Charges paid by:	Darahar
If shipment is to be delivered to consignee without recourse shipper, shipper shall sign the following: Carrier shall not many	ake	Shipper Receiver eceived above perishable property in good order,	Shipper except as noted:	Receiver
delivery without payment of freight and all other lawful charg Shipper Signature:		Date	Time	
Driver's Receipt: These received above described prop		by certify that I and my assignees are familiar with tall the terms and conditions of this bill of lading:	and the second s	AM PA
Signed Si		Date	Time Out	2:32 AM PN 3:14

Case 3:04-cv-02254-SEQuest Court Plant Process (107/05) Page 23 of 29 P.O. BOX 84-5262 BOSTON MA 02284-5262

INVOICE

Invoice #: M21178 Invoice: Feb 13, 2002 Ship: Feb 13, 2002

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms: F.O.B.

Order: Feb 13, 2002

Via:

Currency: USD

Carrier: LITTLE ROCK

Trailer lic:

St:

Broker:

Description	Quantity	UOM	Price	Amount
LETTUCE PALLETIZED	600	ctn	28.00	16,800.00
LETTUCE 24's WRAP	40	ctn	31.25	1,250.00
BROCCOLI CROWNS	48	ctn	11.25	540.00
BROCCOLI N/A	48	ctn	10.75	516.00
CAULIFLOWER N/A .	52	ctn	9.50	494.00
CELERY 36'S .	20	ctn	16.75	335.00
CABBAGE RED N/A	21	bag	10.25	215.25
ONIONS GREEN .	25	ctn	10.75	268.75
INVOICE TOTAL:	854		-	20,419.00

Please return a copy of this invoice with your remittance - Thank You

Case 3:04-cv-02254-SEC Pocument 28 Filed 11/07/05 Page 24 of 29 P.O. BOX 84-5262 BOSTON MA 02284-5262

INVOICE

Invoice #: M21178A Invoice: Feb 13, 2002 Ship: Feb 13, 2002

St:

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms: FREIGHT Salesperson: RANDY SCHRABEC Carrier: LITTLE ROCK LOGISTICS INC.

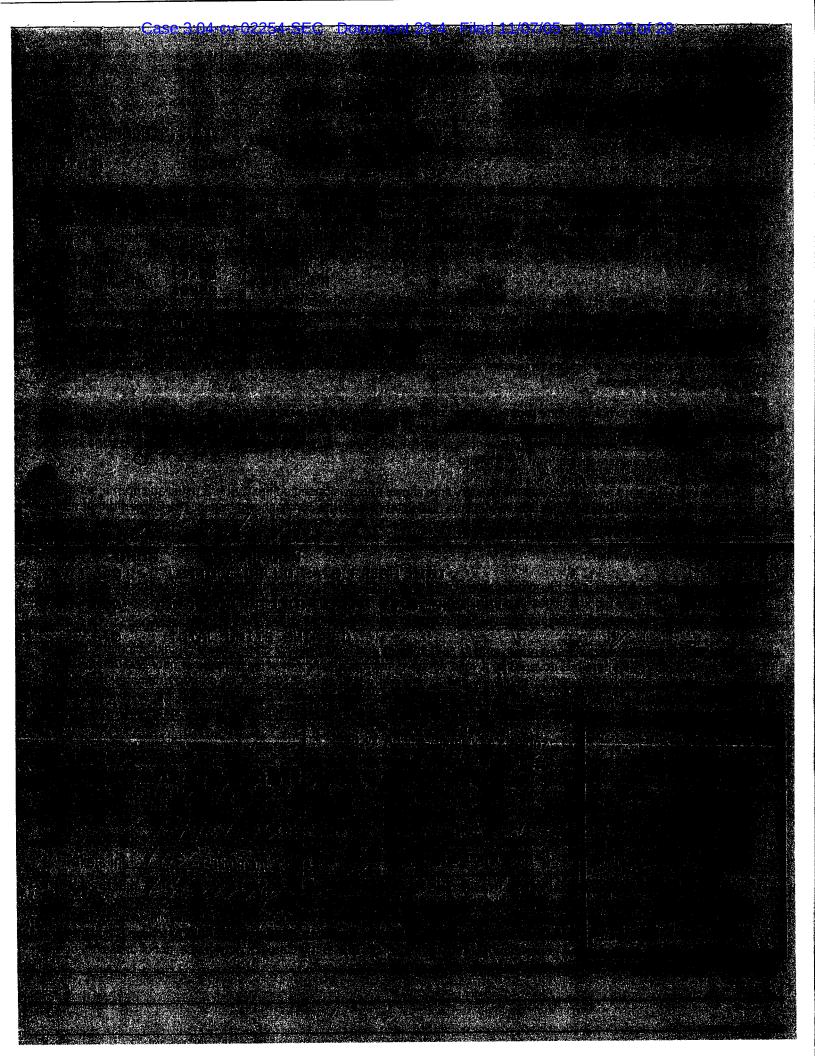
Order: Feb 13, 2002 Via: Trailer lic: Cust PO: Currency: USD Broker:

 Description
 Quantity
 UOM
 Price
 Amount

 Freight Charge
 1
 1,800.00
 1,800.00

 INVOICE TOTAL:
 1,800.00
 1,800.00

Please return a copy of this invoice with your remittance - Thank You



HIGHLINE COOLING 444 MAPLE AVENUE HOLTVILLE, CA 922	

BER MC 678 9 WILLIAM	ES III	TO TO THE STATE OF			Lot In Lot In The William Commissions	Stephen L. Birdshall - Commissioner LOADING LO
ORDER NUMBER 239922	MA		SHIPPED 02/13/02 04:03 P	OTHER SHIP LOCATIONS 0041		Olm m 0 0 1 0 10 14 * * * * * * * * * * * * * * * * * *
il OF LADING BE 1 OF 1	BILL TO NAME/ADDRESS WEST COAST DIST., INC. MALDEN	SHIP VIA LITTLE ROCK LOG OK 6567DC	LOADED 02/13/02 02:40 P	# OLAHA	FOB NO GRADE CONTRACT WITH GOOD DELIVERY APPLYING EXCLUDING BRUISING AND/OR DISCOLORATION BRUISING. IN ADDITION, ALSO EXCLUDED FROM THIS RE ALL EFFECTS RELATED TO FREEZE DAMAGE.	ST ACCORDING NOTE OF THE STREET OF THE STRE
BILL	ESS INC. FL	BROKER	ARRIVED 02/13/02 02:15 P	INSPECTION #	ALL SALES FOB NO GRADE CONTRACT WITH GOOD DELIVERY STANDARDS APPLYING EXCLUDING BRUISING AND/OR DISCO FOLLOWING BRUISING. IN ADDITION, ALSO EXCLUDED FRO CONTRACT ARE ALL EFFECTS RELATED TO FREEZE DAMAGE.	BROCCOLI CRN 20# LU BROCCOLI 14 PSAL CAULIFLOWER 16 FRESI CRLERY 36 OP CABBAGE RED CTN OP CABBAGE RED CTN PO GREEN ONION 48 SM/ME EXCLUDING BRUISING AN ************************************
DATE SHIPPED 02/13/02	SHIP TO NAME/ADDRESS WEST COAST DIST., INC JACKSONVILLE	CUST PO M2-1178	SALESPERSON: VBAL SHIPPED FROM HIGHLINE COOLING	RECORDER #	COMMENTS: ALL SALES STANDARDS FOLLOWING CONTRACT A	ORDERED DESCRIPTION 48 22714020 BI 48 22714020 BI 56 30316001 CI 20 40036000 CI 10 75224000 CI 25 76194001 GI 25 76194001 GI EX.************************************

Case 3:04-cv-02254-SEWest@dast@istributing, Finited 11/07/05 Page 27 of 29 P.O. BOX 84-5262 BOSTON MA 02284-5262

INVOICE

Invoice #: M21184 Invoice: Feb 19, 2002

Ship: Feb 19, 2002

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202 ARECIBO PUERTO RICO 00613 Ship To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms: FOB/DELIVERED Salesperson: TOM CSEREP Carrier: LITTLE ROCK

Order: Feb 19, 2002 Via: Trailer lic: St:

Cust PO: Currency: USD Broker:

600	ctn	20.00	
	Cui	33.60	20,160.00
48	ctn	6.75	324.00
48	ctn	8.75	420.00
29	ctn	7.50	217.50
70	ctn	40.75	2,852.50
10	ctn	10.75	107.50
20	ctn	10.60	212.00
1		23.50	23.50
825		_	24,317.00
	48 29 70 10 20 1	48 ctn 48 ctn 29 ctn 70 ctn 10 ctn 20 ctn 1 tn 25 ctn	48 ctn 8.75 29 ctn 7.50 70 ctn 40.75 10 ctn 10.75 20 ctn 10.60 1 23.50

ATTN: AXEL

Please return a copy of this invoice with your remittance - Thank You

Case 3:04-cv-02254-SEQveR @dast@stributing, Finded 11/07/05 Page 28 of 29 P.O. BOX 84-5262 **BOSTON MA 02284-5262**

INVOICE

Invoice #: M21184A Invoice: Feb 19, 2002 Feb 19, 2002 Ship:

Pay Terms: N10

Sold To: NORTH PRODUCE

P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Ship To: NORTH PRODUCE P.O. BOX 1202

ARECIBO PUERTO RICO 00613

Page 1 of 1

Sale Terms: FREIGHT

Salesperson: RANDY SCHRABEC Carrier: LITTLE ROCK LOGISTICS INC.

Order: Feb 19, 2002

Via:

Description

Trailer lic:

Quantity UOM

St:

Cust PO:

Currency: USD

Broker:

Price Amount 2,800.00 2,800.00

Freight Charge

1

2,800.00

INVOICE TOTAL:

ATTN: AXEL

Please return a copy of this invoice with your remittance - Thank You

Case 3:04-cv-02254-SEC Document 28-4 Filed 11/07/05 Page 29 of 29

STRAIGHT BILL OF LADING	FOR EXEMP	PT COMMODI	TIES -	ORIGINAL	NON-NEGO	TIABLE
• -	,		1 0		. Nov	

SUN AMERICA P.O. BOX 3710 SALINAS, CA 93912-39 (831)422-3894	τ	REGEIVED, from shipper named her condition! except as noted below (condition! except as noted below, pursual below (the word carrier being unders of the property under the contract), it usual place of delivery at said destin property to the consignee, subject to hereof, which are hereby agreed to be	ontents and condition of content to an agreement, arranged stood throughout this contract in consideration of the transpo- ation, if on its route, or otherw the terms and conditions of t	described below, in appa ints of packages unknow by truck broker, if any, v as meaning any person orlation charges to be pa vise to deliver to another this contract printed or w	arent good order and n), marked, consigned, and whereby the carrier shown or corporation in possesion id, agrees to carry to its rearrier on the route, said ritten on the face and back
Order Number	Consignee			Bill of Lading No.	
35609	WEST COAST	DISTRIBUTING IN	IC.		35609
Salesman	350 MAIN S			Ship Date	
RALPH GA	MALDEN MA	02148-5023		i	2/19/2002
<u>-</u> .	Destination			Ship from	
M8-1184	WEST COAST	DISTRIBUTING IN	C	YUM/	A, AZ
(781)665-0300	JACKSONVIL	LE EL		FOB	
	Carrier Carrier	Truck Broker		rub	
Truck Piggy	LITTLE ROCK	Logie	**		
Ship Rail T	Driver	License		St. Exp. [Date
Air	X				
	Fractor License	State Tr	ailer License		State
Reporting Instructions	· · · · · · · · · · · · · · · · · · ·	A CONTRACTOR OF THE CONTRACTOR	65671)C	OK
OK TO	SHORT 12X10 SPI	N NOT AVIL K OÅ DE	D ALL FLR 1	6 AVIL S	AORT 180X
MOVSOVITZ OF FLORIDA RECEIVED SUBJECT TO USDA INSPECTION DATE 2 22-02 P. 0. 40 CO	8 BROCCOLI B BROCCOLI 9 CAULIFLOW 0 ROMAINE RI Ø NAPA WOOD	O 1, 8 MEXQUER MEDIENIU	ca 14'S ca CROWNS rica 16'S a 84'S ent of Agricultur ices Division Transix, AZ 850	re 107 2.	27000 2160 2160 928 -70 600 600
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If shipment is to be delivered to consignee without rec shipper, shipper shall sign the following: Carrier shall delivery without payment of freight and all other lawful	not make	Shipper Peipt I have received above perishable pro			Heceiver
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shipping condition, have verified am satisfied that said shipment properly braced: Signed		accept all the terms and conditions	of this bill of lading: Date	Time Out	4:34 AM PM 2:03